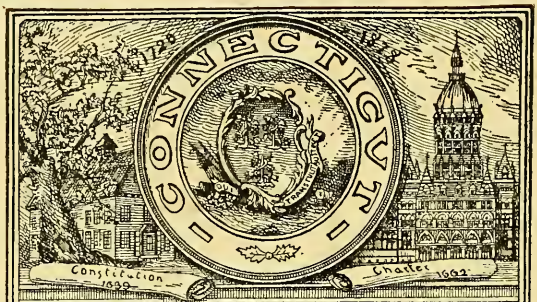

December 1949

CONSTITUTION

FINAL REPORT OF SURVEY UNIT #19

TO THE

COMMISSION ON STATE GOVERNMENT ORGANIZATION

Project Director: George D. Braden

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PART ONE

THE PROBLEM OF CONSTITUTIONAL REVISION

I

THE CONSTITUTIONAL PROBLEM

The constitution of the State of Connecticut is almost 150 years old. It was, when written, very much a copy of the preceding document, which had its roots in the Charter of 1662. One can fairly make the assumption that a document of such age is probably outdated. After all, the shape and content of Connecticut society and government has changed considerably in that length of time. It would be strange, indeed, to find that a document written for a different age provides in every essential respect for the necessary governmental functions of today. This is especially true the more the document was suited to the time at which it was written. We start, therefore, with the basic assumption that the time is ripe to consider constitutional revision.

This assumption is backed up by the existence of 47 amendments to the Constitution. A quick glance at the amendments demonstrates the difficulty of finding out just what the present Constitution provides for. Even in the absence of basic problems, it would be worthwhile revising the present Constitution in order to get the mass of amendments sorted out and the substance back into the document itself. (In the course of such a revision, truly obsolete provisions can be eliminated.)

A second reason for considering the constitutional problem is that an organizational study is rather bootless if basic premises are not questioned. It has been noted, for example, that the Hoover Commission Reports left much to be desired by virtue of the Commission's belief that they dared not question the legislative branch in any way whatsoever. This left the Commission unable, for example, to tackle any of the problems connected with the General Accounting Office, for that office is part of the legislative arm. The Commission was also unable to point up how much of the executive confusion existed because of particular types of legislative policy. Likewise, the Hoover Commission has been criticized because they did not take the opportunity to examine some of the basic premises about the Executive Branch; for example, can the United States Government operate efficiently under our present form of presidential government? In short, a government is only so good as it serves the purposes for which it was set up. If it does not now serve those purposes well, it will not suffice to assume that it is set up correctly. Therefore, a study into the organization of the government of Connecticut properly includes a study of the Constitution.

A third consideration is that individual units surveying particular governmental operations may conclude that part of the present difficulty is constitutional, or may suggest constitutional changes. The Commission on Government Organization will be better equipped to evaluate such conclusions if general consideration to constitutional problems has already been given.

It seems clear, then, that on grounds of a priori assumptions, the necessity for questioning basic premises, and the desirability of general familiarity with constitutional problems, the Commission is advised to undertake a consideration of constitutional revision.

II

CONSTITUTIONAL PRINCIPLES

The principles of constitution writing are essentially the following:

A. A constitution should be concise, clear, simple, and, depending upon the purpose of the provision, sometimes general, sometimes specific, in language.

B. A constitution should state the rules by which major governmental decisions are to be made.

C. A constitution should state the limits of governmental action -- what the people whose constitution it is do not want the government to be allowed to do, and what they do not want to be done in a particular manner.

D. A constitution that covers more than one governing unit, as in a federalism, must state the principles of division of power among the units.

In general, constitutional provisions that provide the machinery for the operation of the government should be specific and constitutional provisions that divide power among units of government should be general. Constitutional provisions which forbid the government to act at all should be general, lest inflexible language paralyze the government. Constitutional provisions which forbid governmental action in a particular manner need not be so general. In short, specificity governs provisions about how to do things, generality governs provisions about what to do.

A constitution, it must also be remembered, is the basic document which represents the consensus of the people as a whole about the political principles governing their society.

III

POLITICAL PRINCIPLES

In surveying the Constitution of Connecticut, it is essential to agree on the basic political principles of the people of Connecticut. Without such agreement, discussion may be at cross purposes; opposition directed at the detail may really be aimed at the basic principle.

We take it that the following are basic political principles in Connecticut today:

A. The people of Connecticut wish to live in a free society. That is, they wish to live under a system which limits the government in the degree of permissible interference with the personal and political life of the people. In our system, these traditional freedoms are guaranteed by the historic Bill of Rights.

B. The people of Connecticut wish to live in a democratic society. That is, the wish to live under a government responsive to their wishes and controlled by them.

C. The people of Connecticut want a system of universal suffrage. That is, they want a system where all who meet minimum requirements of residence and competence are entitled to vote on issues and men, and to have their votes counted.

D. The people of Connecticut want an efficient government. This is, they want a government that performs its job in an efficient and humane manner.

IV

THE CONSTITUTION OF CONNECTICUT TODAY

So far as the principles of constitution writing are concerned, Connecticut stands up well. It has a short constitution, as state constitutions go. Except for the confusion of the mass of amendments and obsolete provisions, it is reasonably clear and simple. By and large it does not contain many provisions that are really only of statutory significance.

On the score of political principles, the present constitution is incredibly antiquated. It does not guarantee a truly democratic society; it does not carry out the principle of universal suffrage; it does not provide for efficient government. The key to these failures lies in the simple fact that essentially Connecticut's constitution provides for a system of legislative supremacy. This arises in several ways. First, there is no restriction on the type

of legislation which can be passed. By custom, the General Assembly has on one occasion or another used special legislation to solve every type of problem. Hence, by custom, one looks to the legislature for anything and everything. Second, the executive branch is hydra-headed, with no centralized authority, no one clearly responsible for seeing that the government operates efficiently. This constitutional dispersion of power is furthered by the custom of naming almost all executive officials for fixed terms and requiring General Assembly confirmation. Third, the fixed apportionment of the House of Representatives preserves an antiquated basis of power unrelated to the needs of the Twentieth Century. People possessed of such power have an enormous stake in preservation of the status quo. They will resist any fundamental change.

In other ways the fixed apportionment of the House of Representatives prevents Connecticut's attainment of the political ideals of this century. In the first place, it is a one-party house. And so far as one can foresee, unless re-apportioned, it always will be. No society is truly democratic if it is saddled perpetually with a one-party government. In the second place, the fixed apportionment system provides the representatives from the small towns with a polite form of bribery. If the majority of the people of Connecticut wish to provide for themselves, they must customarily give a special tidbit to the small towns. This is minority rule with a vengeance. It is clearly incompatible with a democratic society. In the third place, the fixed apportionment system makes a mockery of the principle of universal suffrage. A man does not live in a society providing universal suffrage when he must say to himself: "My vote is worth only one-seven hundreth that of my fellow citizen." Finally, the fixed apportionment system guarantees inefficient government. In our democratic society the chief magistrate is given a job to do. In Connecticut, he cannot do it. In many instances, he is not of the one party of the one-party house. He clearly cannot expect power commensurate with his task. In other instances, he is of the one party of the one-party house, but he still fails to get power commensurate with his task -- partly because power once given may continue to exist for another man, not of the party; partly because even the man of the one party of the one-party house owes something to the majority population of the state and hence cannot be depended upon to preserve inviolate the perquisites of the small towns.

In short, if Connecticut would have a democratic society, a society in which a man's vote is counted as the vote of a man and not as the vote of a sliver of a man, the constitution must be re-written to end the system of fixed apportionment. If Connecticut is to have efficient, responsible government, the constitution must be re-written to end the almost unlimited supremacy of the legislature.

Proposal. Our survey of the constitution of Connecticut in the light of the political ideals of the Twentieth Century convinces us that a fundamental revision of the constitution is called for.

V

METHODS OF CONSTITUTIONAL REVISION

Once it is decided that constitutional revision is necessary, it is essential to consider the methods by which it can be done. We have made a study of this problem* and have come to several conclusions. First, it is clear that the present amending process is unsatisfactory as a vehicle for general constitutional revision. Second, it is clear that even though the present constitution does not specifically provide for the calling of a constitutional convention, legal means for calling such a convention do exist. Third, we have considered the advisability of a constitutional commission preceding the convention and have concluded that because the Commission on Government Organization has undertaken consideration of constitutional revision, the present Commission can easily perform the normal functions of a constitutional commission.

Finally, we have considered carefully the composition of such a convention. Forewarned by the experience of 1901-1902, we have concluded that to base the Convention upon the representative pattern of the present House of Representatives would prejudice at the source any proposed constitutional modification. If representation of the towns has proved to be an unsatisfactory base for a constitutional convention, only two alternatives remain. representation by counties and representation by population. Counties have never been vital political units in this state -- this aside from the fact that representation by counties would violate the very presuppositions of democratic government. Remaining, therefore, is representation of the people.

It is submitted that only a convention based upon popular representation can satisfy the implicit premises of the creed accepted by the people of Connecticut. To suggest other expedients is frankly to draw distinctions between persons -- distinctions which can scarcely sustain public defense. To attempt to temper the force of popular will is not only to found the basic document of the government of the state upon something other than the wisdom and vigor of the people, but to negate the very foundations of American society:- the equality of all men before the laws and the principle that no person, for adventitious reasons, shall be deprived of his equal voice in government.

Proposal. It is recommended that the General Assembly submit to a referendum vote at the earliest opportunity the question whether a constitutional convention should be called. It should be specified in the referendum that this convention should be representative of the people of the State of Connecticut. Such a convention should also be given a broad mandate for proposing constitutional reforms in the interest of the best government of the state.

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* See Appendix A, Item 1

It is also proposed that such a convention ought not to consist of more than approximately 100 delegates, of whom a small number should be elected at large as another means of obtaining the services of outstanding citizens of the state. Although it is not believed advisable to attempt to limit the convention in any manner, it is believed worthy of recommendation that the convention's results be submitted to popular ratification by a system whereby particularly controversial provisions are voted upon separately, thus avoiding defeat by cumulative objections.

PART TWO

WHAT IS TO BE REVISED?

VI

METHODS OF REVISION UNDER A NEW CONSTITUTION*

The basic purpose of the amending clause of a constitution is to implement the fundamental premiseof all free government -- the right of the people to institute and to alter their frame of government. Without such implementation, the right of free men freely to govern themselves is illusory, and by the same token the claim of the government to their loyalty and support is fundamentally impaired. No section of a constitution more clearly reflects the basic character of the government than does its amending clause.

The difficulties of revision under Article XI of the present constitution indicate that the article ought not to be carried over into a revised constitution. The principal objections to the retention of the clause in its present form are two: it is unduly complicated, and it places undue power in the hands of the General Assembly. In its place should be substituted an arrangement which recognizes the dynamic character of modern society and is adapted to the need of continuous constitutional revision which is characteristic of modern government.

Our experience under the present Article XI dictates the principles which should govern in the re-writing of the amending clauses First, some method must be specifically provided for general, as opposed to partial, revisions. Second, no agency of the government should be in a position to prevent constitutional change as in the present General Assembly, or more precisely, either house thereof. Third, in line with the growth of democratic sentiment since 1818, provision must be made for direct popular participation in and ultimate popular control of the amending process. Finally, in line with these objectives and consonant with

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* The supporting report for this section is listed in Appendix "A", Item 1.

the general principles of constitution writing, it is necessary that the process should be simplified so far as is possible.

Proposal. It is therefore recommended that a revision of Article XI be undertaken. The section dealing with amendments should set forth alternative methods of proposing amendments one of which should be proposal by the General Assembly and the other, proposal by popular initiative, subject to a suspensive check by the General Assembly. All amendments should be popularly ratified. Further, clear provision for calling constitutional conventions should be made. The procedures for calling such a convention should be the same as those indicated for the proposal of amendments except that the General Assembly should be without power to check the process. Certain non-constitutional actions should be excluded from the amending process, and the process should be further limited by providing against tampering with the popular basis of any constitutional conventions which might be called under it.*

VII

LEGISLATIVE APPORTIONMENT **

The situation as regards legislative apportionment in Connecticut defies justification and proves almost impossible of explanation. A system devised more than one and one-third centuries in the past and fitted to the needs of a pre-industrial community, of which the largest city was smaller than the modern suburb, continues to set the pattern for the organization of the legislative branch. It is granted that under-representation of urban areas is not infrequently found in American politics -- both at the state and Federal levels. Matters of degree, however, frequently grow into matters of principle, and in no other American jurisdiction is the mis-representative principle so firmly established as in Connecticut. To offer statistical proof is merely to underscore the obvious -- the voter in Union exercises rather more than 700 times the suffrage of the voter in Hartford; more than 140 towns in this state exercise more legislative power as opposed to any of the largest three towns than does the State of Nevada vis a vis New York. The system as it currently operates is little more than a refined method of not counting legally cast ballots of the great majority of the urban voters of the state. In view of the fact that only the General Assembly itself can under the present arrangement remedy the situation, its continuance is perhaps not a matter for wonder; at the same time it argues an arrogance scarcely exceeded by the opponents of the British Reform Bill of 1832.

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* A proposed constitutional provision is set forth in Appendix "B", Item 1.

** The supporting report for this section is listed in Appendix "A", Item 2.

The importance of the present maldistribution of political power extends beyond the mere statistical imbalance, and cannot be dismissed as a shortcoming only in the realm of theory. Connecticut retains to a large degree the characteristics of a legislative government. It is one of the few remaining states still to grant corporate charters by special act. The underlying theme of its system of local government is legislative control. The extensive participation of the General Assembly in appointments on both the state and local levels, and the preponderance of the House of Representatives in such participation, is unusual in the modern age. No alternative methods of legislation, i.e., initiative or referendum, exist. Finally, the General Assembly itself is in a position to prevent peaceful change of this very situation.

Nor are the results governmental only. The peaceful competition and alternation of political parties, the very key to the operation of modern popular government, is completely denied by the present system. Regardless of the popular vote, Connecticut remains a one-party state, and every factor in the present arrangement strengthens that tendency. The results in terms of party irresponsibility, expensive government, and a vicious system of separation of powers are manifest.

Any action or recommendation which contemplates anything less than a drastic revision of this situation, will constitute a flat denial of the equality of all citizens before the law, the universality of the free suffrage, and will assert the value of the purely fortuitous fact of residence as the most valid of all claims to political power. Logic is without resources to explain why a state with a national renown for the excellence of its financial and educational institutions prefers to place the overwhelming preponderance of its political power in the hands of those residing in the least developed areas of the state.

Proposals:

A. The State of Connecticut should be reapportioned to provide for a legislative branch based upon population.

B. The present system whereby the legislative body itself undertakes to decide its own constitution should be abolished. In place of a system whereby the agent determines the terms upon which the principal is to be served, non-legislative machinery should be instituted. The initial work of periodic reapportionment should be undertaken by a constitutionally designated commission. This body should be amenable to a mandamus action to compel its performance of this task. Further, judicial inquiry into the adequacy of its proposals should be clearly specified and the principle of strict population should be clearly stated for the guidance of both the commission and the courts.*

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* A proposed constitutional provision is set forth in Appendix "B", Item 2.

C. Legitimate interest, the constitutional protection of which is desirable, should receive adequate and appropriate constitutional protection through limitations upon legislative and executive power set forth in other sections of the constitution.

VIII.

STATE-LOCAL RELATIONS*

Connecticut's system of local government depends to a marked degree upon special acts of the General Assembly. This condition results from the antiquity of constitutional provisions and the inadequacy of general legislation, combined with a tradition of municipal dependence. The results of this system are many and serious. Merely the most obvious is the heavy burden upon the General Assembly and the grievous waste of valuable legislative time and energy. Less obvious, but of perhaps even greater importance are the implications of inefficient legislative practice, the loss of legislative prestige, the possibility of exploitation of the legislative process for undesirable ends and of undue expense in the process of government. Under present conditions it can scarcely be denied that the practice of legislative control of local government in effect means government of the cities by the rural areas. This results in government by those least likely to understand the problems and necessities involved, and further, by those who are in no sense responsible to the governed. And, since the municipalities of the state need state funds to perform the minimum of required functions, the door is open to a highly unwise and uneconomic distribution of these funds.

The obvious need is to remove municipal problems from the purview of the General Assembly. Without regard to the improvements to be anticipated from such a move on the local level, this change is indicated in the best interest of the General Assembly itself. In view of the lack of a home rule tradition and the revolution in legislative practice which this will entail, it is believed that this will be best accomplished by constitutional provision. At the same time, it is recognized that the General Assembly is the proper agency to undertake supervision of local affairs of a general nature and that complete home rule may not be considered desirable for some of the smaller towns.

Proposal. It is recommended that simple constitutional provisions be adopted which will prohibit special legislation and which will guarantee an optional power of home rule for the towns. Since the practice of special legislation still seems appropriate as a method of supervising inter-town compacts, its use in this area should be preserved.**

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* The supporting report for this section is listed in Appendix "A", Item 3.

** A proposed constitutional provision is set forth in Appendix "B", Item 3.

IX

DIRECT ACTION BY THE VOTERS*

Direct action by the voters in a modern governmental context usually includes direct primaries, the initiative and referendum as both legislative and constitutional methods, and the recall of elected officials. The initiative and referendum as a method of constitutional revision have been discussed in connection with constitutional amendment in general.

Briefly, the need for any of the devices of direct voter participation depends on the degree to which the regular agencies of government are responsive to the people's desires and whether means exist by which these agencies may be held responsible for the conduct of their offices. Beyond this broad statement, it is difficult to proceed without reference to the particular political system into which these devices are to be fitted.

A. Direct control of nominations. The Connecticut system of nominations exclusively by convention (save in limited instances) indicates that this state has not followed the rest of the country in the evolution from the party caucus to the direct primary. Also, in most of the United States, the nominating system has been recognized as a proper subject for governmental control, whereas here the nominating procedures remain party activities exclusively.

In appraising this sytem, it must be remembered that in considerable areas of the state a practical one-party system prevails. Fuether, the continued control of the House of Representatives by one party is a constant temptation for the two party organizations to coalesce. Finally, the peculiarities of the apportionment system tend to obscure party policy and to render party responsibility difficult to enforce. Therefore, whatever may be said of the direct primary in areas where competition between the parties actually provides a democratic alternative to the voter, it offers a highly desirable alternative for Connecticut. It is therefore concluded that a direct primary, constitutionally instituted, is an appropriate device to secure popular control. From the negative viewpoint, it is not believed that this will unduly disrupt party responsibility nor will it prove more expensive in the long run than the present nominating system. The tradition of party membership in Connecticut indicates that the closed type of primary is the preferable.

B. Initiative and Referendum. The basic argument in favor of the initiative and referendum is that they permit a more direct expression of the popular will than can be had through the regular legislative process. In situations where the legislature is only ostensibly representative they are obviously appropriate. They remain, however, valuable as "stand-by" devices even in more rationally organized governments. Recognizing that the initiative

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* The supporting report for this section is listed in Appendix "A", Item 4.

and referendum are capable of abuse in the interest of minority groups, it is felt nevertheless that the most serious of these objections can be met by careful drafting and appropriate constitutional limitations.

C. Recall. The arguments which favor the adoption of the initiative and referendum similarly justify the adoption of recall provisions. These become the more important as the term of elected officials is lengthened. Although capable of abuse, experience in other states does not indicate ground for serious concern. Proper provision against use of the recall merely as a harrying device can be made.

Proposals. It is recommended that a revised constitution should contain provision for direct primaries of the closed type. In the interest of simplicity, it is recommended that this sytem be made uniform for all state and municipal elective officers. It is further recommended that direct legislation - both initiative and referendum -- be provided for. Finally, that popular control of elected officials be clear and specific, it is recommended that Connecticut adopt suitably protected arrangements to this end.*

X

THE BILL OF RIGHTS

In any general revision of a constitution, the important liberties of the people safeguarded by a Bill of Rights should be examined for currency, completeness and effectiveness. Such a study has been made** and reveals that by and large, the Connecticut Bill of Rights stands up well. There are, of course, provisions that are not so important today as at the turn of the Nineteenth Century, but they are harmless provisions and there seems no need to disturb them. On the other hand, there are places where strengthening of provisions seems in order. Briefly, these are: (1) making more effective the searches and seizure provisions by forbidding use of evidence illegally obtained; (2) making the right to counsel include the duty of the state to provide counsel; and (3) changing "citizen" to "person" in the provisions relating to freedom of speech, freedom of the press, freedom of assembly, and right to petition. It has also been made clear that the Bill of Rights protects one against double jeopardy, an addition that arguably is not new. Four significant additions have been made:*** (1) The right to organize; (2) the right to decent treatment when in custody; (3) the prohibition of racial and religious discrimina-

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* Proposed constitutional provisions are set forth in Appendix "B", Items 4 and 5.

** See Appendix "A", Item 5.

*** The four proposed additions are set out in Appendix "B", Item 6.

tion; (4) the right to have votes counted equally. The first and third of these represent the public policy of the state as shown by statute. The third one represents a policy not clearly protected by statute, but undoubtedly recognized as important by all the people. The fourth addition represents recognition by way of the Bill of Rights of the principle, considered earlier in this report, of true universal suffrage.

Proposal. It is proposed that the revised Bill of Rights be considered by a constitutional convention undertaking a general revision of the constitution. It is believed that the strengthening and the additions made are essential parts of a Bill of Rights in a contemporary society.

XI

NON-SUBSTANTIVE REVISION

Regardless of the specific constitutional changes proposed by this Survey Unit and other Units of the Commission, there is a need for bringing up to date the entire body of the constitution. It seems valuable to redraft the constitution, without regard to substantive changes, in order to have a coherent document into which substantive changes may be worked. The point is that if a constitutional convention were called to consider needed changes, such convention ought to re-write the entire constitution in order to provide an up-to-date document. The non-substantive revision provided by this Survey Unit* offers a working base.

Proposal. It is suggested that if the Commission recommends the calling of a convention, the non-substantive revision previously submitted by this Survey Unit be noted as a working document for such convention. Thus the Commission will have done some of the preliminary spade-work for such a convention.

PART THREE

CONCURRENCES

XII

THE EXECUTIVE

The Survey Unit reporting on the executive has made two important proposals relating to the constitution, that no executive officers except the governor and lieutenant governor be elected and that no other executive officers be given constitutional duties. Both of these proposals have the whole-hearted approval of the Constitution Survey Unit. As we have already noted, the

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* See Appendix "A", Item 6.

present situation in these respects is an important factor in making the constitutional government of Connecticut unsatisfactory.

XIII

FISCAL

The Fiscal Survey Unit has made three important proposals relating to the constitution. They are: (1) removal of the Treasurer and Comptroller from the Constitution; (2) provision for annual sessions of the General Assembly, every other such session to be limited to budgetary matters; (3) expansion of the Governor's item veto power to include the power to reduce as well as to eliminate items. With reference to the first proposal, this is part of the proposal of the Executive Survey Unit which we have just indicated has our whole-hearted approval. With reference to the second proposal, it is noted that this is an alternative to the Legislative Survey Unit's suggestion for unlimited annual sessions. Our view is that if the principal recommendations of the Legislative Survey Unit, discussed below, are adopted, we would prefer to see unlimited annual sessions. But we agree that in any event there should be annual budgetary sessions. With reference to the third proposal, the expansion of the item veto power, we concur whole-heartedly in this suggestion.

XIV

LEGISLATIVE

The Survey Unit on the Legislative makes several proposals of constitutional significance. They are: (1) a unicameral legislature; (2) annual sessions of the legislature; (3) increased compensation for legislators; (4) elimination of special legislation; and (5) decrease in number of legislative confirmations of executive offices. The last of these is a recommendation in which we concur as noted previously in our discussion of the present system of legislative supremacy. The fourth recommendation above is one which we have adopted in our Report on State-Local Relations. We also agree whole-heartedly with the need for substantial increase in compensation for members, especially if it is accompanied by a drastic cut in the size of the legislature. With reference to the second recommendation, we concur as noted above in connection with the Fiscal Report.

Concerning the first recommendation, the unicameral legislature, we have previously submitted to the Commission a special report proposing a sample apportionment of the state for a 100 man unicameral legislature.* We did this because as will be noted in considering the sample constitutional provision prepared in

* See Appendix "A", Item 7.

connection with the Report on Legislative Apportionment,* our original work did not include exclusive assumption of a unicameral legislature. We agree, however, that the unicameral legislature is suited to Connecticut and urge the Commission to include the unicameral legislature, apportioned according to population, as a basic recommendation for improving Connecticut's government. We must note, in this connection, that inasmuch as one of the obvious evils of the present House is one-party control, it would not be advisable to adopt a unicameral legislature unless accompanied by an equitable apportionment system. It is patent that a unicameral one-party legislature is worse than a bicameral legislature only one house of which is controlled by one party.

XV

JUDICIAL

The Judicial Survey Unit notes only one change requiring constitutional action, the elimination of the election of probate judges. We concur in this constitutional change. It should be pointed out, however, that the non-substantive revision previously provided by us includes a Judicial Department article which ought not to stand as it now appears, were a general constitutional revision undertaken and the statutory changes suggested by the Judicial Survey Unit adopted. The present constitution makes references to all sorts of courts. Only the Supreme Court of Errors and the Superior Court are constitutional courts and therefore statutory changes could be effected. But if the general revision of the court system were to be undertaken as recommended by the Judicial Survey Unit, it would seem advisable to unravel the present constitutional confusion arising from the many differing provisions about appointments of various judges.

PART FOUR

GENERAL COMMENT

It goes without saying that the conclusions in this Report take precedence over statements in individual monographs previously filed. Nonetheless, there are many important details in the individual reports which are necessary to a complete understanding of the present constitutional system of Connecticut. Basically, those monographs are an integral part of the Report of this Survey Unit.**

There is one task which could appropriately be undertaken by this Survey Unit, but which has not yet been done. Upon determination by the Commission of its views in all fields, the Commission

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* See Appendix "B", Item 2.

** The monographs are listed in Appendix "A".

could provide the people of Connecticut with a sample new constitution. Such a constitution would include the changes mentioned in this report and in other reports. The construction process would be by changing the non-substantive revision as needed. This Survey Unit stands ready to undertake such a project.

Respectfully submitted,

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for

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(Note: Mr. Douglas returned to Oxford University, England, in September. He has been unable to participate in later work of the Unit and should not, of course, be considered responsible for any work beyond his Monograph on Legislative Apportionment.)

APPENDIX "A"

LIST OF REPORTS SUBMITTED BY SURVEY UNIT #19

1. Methods of Constitutional Revision and Amendment
2. Legislative Apportionment in Connecticut
3. State-Local Relations in Connecticut
4. Direct Action by the Voters
5. Revision of the Bill of Rights
6. Sample Apportionment of Connecticut for a Unicameral Legislature of 100 Members
7. Non-substantive Revision of the Constitution.

APPENDIX "B"

Proposed Constitutional Provisions

1

Proposed Amending Provision

(Here copy Appendix "A", pp. 21-22, of "Methods of Constitutional Revision and Amendment")

2

Proposed Apportionment Provision

(Here copy Appendix "A" of "Legislative Apportionment in Connecticut"

3

Proposed Home Rule Provision

(Here copy the proposal at the beginning of Appendix "A", p. 16, of "State-Local Relations in Connecticut," omitting footnotes.)

4

Proposed Primary Provision

(Here copy the proposed article in the Proposal, p. 9, of Direct Action by the Voters, Part I: The Direct Primary.)

5

Proposed Initiative, Referendum and Recall Provision

(Here copy the proposed articles in Appendix "A", pp. 10-11, and "B", p. 12, of "Direct Action by the Voters, Part Two: Initiative, Referendum and Recall.")

6

Proposed Additions to the Bill of Rights

Section _____ All persons shall have the right to organize, except in military or semi-military organizations not under the supervision of the state, and except for the purpose of resisting the duly constituted authority of this state or of the United States. Employees shall have the right to bargain collectively through representatives of their own choosing.

6

Proposed Additions to the Bill of Rights (cont.)

Section_____ Noperson shall be abused in being arrested, while under arrest, or in prison. All persons held in custody in any police or penal institution within this state, prior or subsequent to conviction, shall be provided with adequate food, clothing and living space, and the rights and duties of all such persons shall be established by law. The state shall be liable in damages for the mistreatment of any person in violation of the provisions of this section.

Section_____ No person shall be denied the enjoyment of, nor be discriminated against in, nor be segregated in, any right or employment, nor be so treated in the militia, or in the public schools or in any public place, because of religious principles, race, color, ancestry or national origin.

Section_____ Every elector shall havea right to have his ballot weigh equally with that of every other elector in all elections.

For Reports referred to herein, and listed as Appendix "A", see Meeting Agenda as follows:

		Agenda
1.	Methods of Constitutional Revision and Amendment	10/22, 11/9 11/11, 11/21
2.	Legislative Apportionment in Connecticut	10/11
3.	State-Local Relations in Connecticut	11/11
4.	Direct Action by the Voters	12/5, 12/8
5.	Revision of the Bill of Rights	12/5
6.	Sample Apportionment of Connecticut for a Unicameral Legislature of 100 Members	12/8
7.	Non-Substantive Revision of the Constitution	(to be supplied)